

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL BILL

PETITION

Against the Bill-On Merits
Praying to be heard by Counsel &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN
PARLIAMENT ASSEMBLED

THE HUMBLE PETITION

OF

SPITALFIELDS HOUSING ASSOCIATION

SHEWETH AS FOLLOWS:-

1. A Bill, (hereinafter referred to as "the Bill") has been introduced and is now pending in your Honourable House intituled "A Bill to make provision for a railway transport system running from Maidenhead, in the County of Berkshire, and Heathrow Airport, the London Borough

of Hillingdon, through central London to Shenfield, in the county of Essex, and Abbey Wood, in the London Borough of Greenwich; and for connected purposes”.

2. The Bill is promoted by the Secretary of State for Transport, hereinafter called the “Promoter”).

Relevant clauses of the Bill

3. Clauses 1 to 20 of the Bill together with Schedules 1 to 9 make provision for the construction and maintenance of the proposed works including the main works set out in Schedule 1. Provision is included to confer powers for various building and engineering operations for compulsory acquisition and the temporary use of and entry upon land, for the grant of planning permission and other consents, for the disapplication of modification of heritage and other controls and to govern interference with trees and regulation of noise.
4. Clauses 21 to 44 of the Bill together with Schedule 10 make provision for the application with modifications and the disapplication part of the existing railway regulatory regime which is contained in and in arrangements made under the Railways Act 1993 and associated legislation. In particular, they provide for the disapplication of licensing requirements, the imposition of special duties on the Office of the Rail Regulator (ORR), the modification of railway access contract and franchising arrangements and the disapplication of railway closure requirements and of the need for consent from Transport for London in relation to impact on key system assets. Provision is also included to enable agreements to be required as between nominated undertaker and controller of railway assets, to govern the basis for arbitration and to provide for the transfer of statutory powers in relation to railway assets.
5. Clause 45 to 59 of the Bill together with Schedules 11 to 14 contains miscellaneous and general provisions. These include provision for the making of transfer schemes, the designation of nominated undertakers, the devolution of functions and as respects other actions to be taken by the Secretary of State. Provision is also made in particular for the disapplication or modification of various additional miscellaneous controls, for the treatment of burial grounds, for the application of provisions of the Bill to future extensions of Crossrail,

for the particular protection of certain specified interests and as respect arbitration.

Your Petitioners

6. Your Petitioners are Spitalfields Housing Association Ltd (herinafter called "SHA"). Your petitioners are a community based housing association, working almost exclusively in Tower Hamlets. SHA was set up some 25 years ago by members of the local Bengali community in response to poor housing and overcrowding in the Spitalfields area. The Bengali community constitutes a significant majority of the local community as well as a large proportion of the total population of the London Borough of Tower Hamlets. SHA is still growing, with more than 150 new homes currently in development.
7. SHA is particularly proud of its strong community links, (from involving tenants on the Board of Management, to the way it provides tenant focused services).
8. SHA is very much at the heart of the local community. SHA's key objectives and service areas are based on working with communities to provide real solutions to local problems.
9. SHA has a long track record of delivering quality services, based on listening to tenants as 'customers' and responding in a positive, proactive way, adopting a 'can do' approach to problem solving, involving tenants in the decision making process, in order to promote the democratization process based on active tenant consultation and involvement.
10. Your Petitioners own freehold mixed residential development and commercial use properties throughout the London Borough of Tower Hamlets, including premises within the immediate vicinity of the proposed works and liable to be injuriously affected by them.
11. Your Petitioners have particular concerns in relation to the works in the vicinity of Brick Lane and other areas in the general vicinity of the proposed works. Your Petitioners consider that the well-being of SHA's tenants and in particular, their health and safety and right to 'quiet enjoyment' of their tenancy are likely to be injuriously affected.

12. Your Petitioner and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, here stated.

Your Petitioner's concerns

13. The consultation process has excluded and disregarded the needs of your Petitioners and, in particular, those of the local Muslim community. Your petitioners consider that the information presented was insufficient for members of the Bengali community to make reasoned judgement.

14. Your Petitioners believe that the current information available still leaves room for misjudgement and that until the scheme has been subject to a more rigorous consultation process, members of the local Bengali community will not be able to judge the merits or otherwise of the scheme. The petitioning process is therefore defective on the basis that it is premature and therefore, the Bill is not acceptable in its present form.

Blight

15. Your Petitioners have a fundamental concern that despite the adoption of the Bill as a Government led project, Crossrail lacks funds for both the design and construction of this scheme. This is clearly apparent in the lack of detailed work which would normally be expected to be completed at this stage and your Petitioners therefore object to both the presentation and consideration of this premature and incomplete scheme, because of the immeasurable blight it will cause to the properties currently owned or managed by SHA.

Route

16. Your petitioners object to the route proposed for the tunnels via the Hanbury Street shaft and Whitechapel station, east of the safeguarded alignment between Paddington and Liverpool Street. The route appears to be merely a modification of the 1991 safeguarded route, representing a totally inadequate and ill considered design solution for tunnels now terminating much further east. Even though the proposals do not meet fundamental design criteria set for construction of the

lines, insufficient consideration appears to have been given to alternative solutions. (A specialist tunnel engineering report produced on behalf of the London Borough of Tower Hamlets endorses the fact that a more rigorous analysis of the route would suggest that the best solution is to construct the tunnel end to end.

17. Your Petitioners do not believe that there is a proven need to construct the Hanbury Street tunnel and as a consequence, these shafts and worksites should be deleted from the proposals before the Bill is passed.

Socio-economic effects

18. Your petitioners believe that the principal aim of Crossrail is to improve accessibility, to create and sustain jobs in the financial business service (FBS) sector by connecting Heathrow and the suburbs with the financial business service clusters or agglomerations in the West End, the City and Canary Wharf. Your Petitioners on behalf of the Muslim Bengali community in Brick Lane, object to the fact that they are being forced to carry the cost of these improvements by enduring six years of environmental misery, whilst watching the destruction of the local economy and the loss of businesses, homes and jobs.

Regeneration.

19. Your petitioners object to the effects the works at Hanbury Street will have on your Petitioners' workspaces, properties and homes and the degenerative effect the works will have on the local community in general. SHA considers that this will have a degenerative effect, destroying millions of pounds of regeneration money already invested in the area in an attempt to help improve the living standards for one of the most deprived ethnic minority communities in the country.

The tunneling strategy

20. Your petitioners object to the tunneling strategy adopted for the area in general and the Hanbury Street shaft and worksite in particular. It is the view of SHA that the need to launch tunnel boring machines, (TBM's) from a shaft in Hanbury Street is unproven. Further, it is the considered view of SHA that the consequential cost of such work on the local community, will be far greater than the operational gain claimed by not simply tunneling from end to end.

The construction strategy

21. In addition, your Petitioners object to the construction strategy adopted at the Hanbury Street site, as it appears to do nothing to limit the adverse impact the construction process will have upon the local community and environment; nor do the controls to be implemented avoid, reduce or remedy the significant potentially adverse environmental effects likely to arise from this scale of construction works.

Traffic & Transport

22. In particular, your Petitioners object to the use of large eightwheeled articulated lorries and traffic and transport access routes being used to and from the Hanbury Street construction site. SHA anticipates that this will result in severe noise pollution, as well permanent harm to the normal functioning of the general economic and social life of the area.

23. SHA considers that the volume and scale of traffic proposed is unsatisfactory for a densely populated area, with blocked narrow streets and roads and with difficult tight corners and busy pavements used by school children, mosque worshippers, shoppers and members of the local community visiting their friends and family.

24. Your Petitioners also object to the cumulative impact the traffic generated by the various Crossrail sites will have on the area. SHA considers that collectively, they will cause immense harm and damage the lives, livelihoods, social activities and property of your petitioners, as well as the general community in the Brick Lane area. When added to those of other development sites such as the East London Line Extension, the Royal London Hospital, the Bishopsgate Goodsyrd

site and the Aldgate development Scheme, they spell disaster and threaten to make the entire area one large lorry gyratory.

Air quality, noise and vibration

25. Your Petitioners object to the poor air quality and the high levels of noise and vibration that will be caused by the heavy lorry traffic, excavation and construction works proposed, both above and below ground at Hanbury Street. Clearly, this is likely to have an adverse effect on the health and well-being of your Petitioners, local people in general, but the children and elderly in particular.
26. Your Petitioners can anticipate higher levels of respiratory diseases, including asthma and can also anticipate that health will be adversely affected due to sleep deprivation. It is also anticipated that children will find it increasingly difficult to concentrate, leading to poor school results, thus disadvantaging an already deprived neighbourhood.
27. Your Petitioners request that provision be made to ensure that the Promoter takes full responsibility for additional expense caused the increased dust, dirt and noise created, making full and adequate compensation to your Petitioner's tenants, including accepting responsibility for any illnesses (including mental illness) that may result due to the increased stress of these works.
28. Your Petitioners also object to the use of the Hanbury Street shaft site for the installation and use of slow moving fans to ventilate the tunnels both during after construction and the degenerative effect these will have on the local environment. There will also be a negative impact on the value of your Petitioner's properties. Your Petitioners request that they be compensated for these both during after construction.

Working hours

29. Your Petitioners are concerned that the hours of working should be strictly limited and are not satisfied that the Promoter's proposals for limiting working hours are clear or satisfactory. Construction of the works during the hours proposed would cause considerable disruption and nuisance to the Petitioner's residential occupants in the Brick Lane area. Your Petitioners therefore request that alternative times be imposed, especially during the month of Ramadan, in order to

safeguard the quality of their lives and the quiet enjoyment of their properties.

Spoil & contaminated waste.

30. Your Petitioners object to the volume of excavated (and possibly contaminated) material to be removed from the Handbury Street shaft and the handling, transport and disposal methods adopted in such close proximity to the windows of both homes and schools. Your Petitioners recommend the adoption of the 'end to end' route as a solution to the problems associated with this method of disposal.

Landscape & Built Environment

31. Your Petitioners object to the fact that the promoter has failed to either recognize or acknowledge in their proposals the close knit, high density, mixed use nature of the properties in the vicinity of Hanbury Street. Your Petitioners suggest that a sizeable financial contribution should be made to SHA, in order to fund alternative leisure, entertainment and additional local amenities for the benefit of SHA tenants throughout the duration of the project.

Property powers

32. Your Petitioners object to the powers proposed in the Bill affecting their properties and subsoil, which in the opinion of the Petitioners are excessive, unjustified and unclear. There is no reason why your Petitioner's property rights should be lost through compulsory purchase, (other than for the purposes of building the railway). Your petitioners are of the opinion that all property rights should revert to their original owners rather than the Promoter on completion of the construction of the railway.

33. Your Petitioners are also concerned that no adequate provision has been made to compensate them or their tenants according to the actual loss they would suffer and that no adequate provision has been made

to ensure that damage and disruption are kept to a minimum or that in all other respects their interests and quiet enjoyment are reasonably safeguarded.

Building settlement

34. Your Petitioner is concerned that appropriate safeguarding measures should be carried out to all buildings, listed or not, to reduce the effect of construction, particularly structural damage. In order to reduce the possibility of settlement, your Petitioner is of the view that the running tunnels and underground construction site in Hanbury Street should be constructed at a much greater depth, (with freedom to deviate upwards being severely restricted). Your Petitioners would require careful records to be kept, at the Promoters cost, of all damage done to buildings and areas in your petitioner's ownership and control, as well as all other buildings, adjacent to construction sites and routes.
35. Your Petitioners are also concerned that the tunnel boring method proposed for the tunnel that drives east of the Hanbury Street shaft will cause unnecessary settlement and serious structural damage to your Petitioners' properties and those owned and used by others, due to the specific hydrology and geology of the area.
36. The Promoter has indicated that a shield method rather than a tunnel boring method, (TBM), will be used to tunnel from Hanbury Street to Whitechapel station. This results in a risk of two to five times higher. These earth movements could cause collapse or settlement of a large number of buildings above ground occupied by Bangladeshi families who are tenants in rented properties, who have no appreciation of the tunnel safeguarded route or an understanding of their vulnerability.

Compensation.

37. Your petitioners request that provision be made, for which the Promoter must pay, for the cost of alternative accommodation for tenants affected by these works. The alternative accommodation to be of no less quality and standard, in a location convenient and acceptable to your Petitioner's tenants who have to relocate during the

- construction period (or when their homes cannot be occupied with quiet enjoyment prior to the commencement of the project).
38. Your petitioners submit that the compensation provisions proposed in the Bill are inadequate to compensate your Petitioners tenants for the loss, damage and inconvenience attributable to blight to their homes, which they have already suffered as a result of the prospective construction and subsequent use of the proposed works.
 39. Your Petitioners further submit that the compensation provisions proposed in the Bill are inadequate to compensate tenants for loss, damage and inconvenience, attributable to blight to their homes, suffered as a result of the prospective construction and subsequent use of the proposed works. Further provisions should be included in the Bill, including provisions in respect of the making and assessment of compensation claims, indemnifying your Petitioners for any loss they might suffer as a result of the proposed works and the effect on the Petitioners livelihoods.
 40. Your Petitioners submit that provision should be made for the Promoter to indemnify them if insurance cannot be obtained by them or only any increased premium or subject to particular conditions/excesses.
 41. Your Petitioners submit that provision should be made in respect for interest (at a daily rate) to be payable by the Promoter on all unpaid sums due and for all monitoring costs of your Petitioners, (such costs to be borne by the Promoter).
 42. As a general matter, your petitioners submit that provision should be made for the Promoter to repay to your petitioner aoo proper costs, charges and expenses, (including the fees of such professional advisers as they may instruct) reasonably incurred in consequence of the Bill or any provision made as a result of this Petition.
 43. Your Petitioner suspects that there may well be other clauses and provisions of the Bill which, if passed into law as they now stand, will prejudicially affect your Petitioners and their rights, interests and property and for which as yet, no adequate provision has been made to protect your Petitioners.

Conclusion

44. Your petitioner submit that the Bill in its present form, fails adequately to safeguard and protect the interests of the SHA's tenants and it is the considered opinion therefore of your Petitioner that this Bill should not be allowed to pass into law without more rigorous consultation of the local Bengali speaking population, (such consultation to be made in both English and Bengali). Your Petitioners will be pleased to advise as to the best methods of undertaking such consultation.

YOUR PETITIONERS THEREFORE HUMBLY PRAY your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by themselves, Counsel or Agent and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such said clauses and provisions as may be necessary or expedient for their protection, or that such relief may be given to your |Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS WILL EVER PRAY, &c.

